

# **Exhibit B**

**From:** Folland, Rob  
**Sent:** Friday, July 1, 2022 1:34 PM  
**To:** Justin M. Alaburda  
**Cc:** DeVillers, David; Paragas, David; Bartolozzi, Jeff; Victoria Ferrise  
**Subject:** RE: Student Resource Center/Eastern Gateway Community College  
**Attachments:** Marbley Order.pdf

Justin,

Please be advised of the attached order that was just entered by Judge Marbley. To the extent you are unable to talk today or over the weekend, we will look forward to seeing you in person in Columbus at 9:00 am next Tuesday.

If your schedule does not permit you to contact us prior to Tuesday morning, please enjoy your holiday and we will look forward to seeing you in person next week.

**Rob Folland** | Partner

*Admitted to practice in Florida, Kentucky, Ohio, and Pennsylvania*

Barnes & Thornburg LLP

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**From:** Folland, Rob  
**Sent:** Friday, July 1, 2022 11:41 AM  
**To:** 'Justin M. Alaburda' <jmalaburda@bmdllc.com>  
**Cc:** DeVillers, David <DDeVillers@btlaw.com>; Paragas, David <David.Paragas@btlaw.com>; Bartolozzi, Jeff <Jeff.Bartolozzi@btlaw.com>; Victoria Ferrise <vlferrise@bmdllc.com>  
**Subject:** RE: Student Resource Center/Eastern Gateway Community College

Thank you Justin. To that end please advise ASAP your schedule for next Tuesday and Wednesday. We have called chambers and the Court would like to know when on those days you will be available for the LR 65.1 scheduling conference with Judge Marbley. Both David DeVillers and I are available anytime on Tuesday for the conference and Wednesday is workable as well, but with more challenges.

I also suggest, if at all possible that we have a call later today or over the weekend. I realize Monday is July 4 and timing is not ideal. However, given the fast approach of July 11, it will be necessary to hold the PI hearing next week. My strong preference would be to discuss matters with you in advance but obviously, we will proceed as necessary to the extent your schedule will not allow us to talk prior to the 65.1 conference. If we do not talk, however, be advised we will be seeking a hearing on either Thursday July 7 or Friday July 8.

**Rob Folland** | Partner

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**From:** Justin M. Alaburda <[jmalaburda@bmdllc.com](mailto:jmalaburda@bmdllc.com)>

**Sent:** Friday, July 1, 2022 11:11 AM

**To:** Folland, Rob <[Rob.Folland@btlaw.com](mailto:Rob.Folland@btlaw.com)>

**Cc:** DeVillers, David <[DDeVillers@btlaw.com](mailto:DDeVillers@btlaw.com)>; Paragas, David <[David.Paragas@btlaw.com](mailto:David.Paragas@btlaw.com)>; Bartolozzi, Jeff <[Jeff.Bartolozzi@btlaw.com](mailto:Jeff.Bartolozzi@btlaw.com)>; Victoria Ferrise <[ulferrise@bmdllc.com](mailto:ulferrise@bmdllc.com)>

**Subject:** [EXTERNAL]Re: Student Resource Center/Eastern Gateway Community College

Rob,

Thank you for your email. I am in meetings today but will review your filings and email.

Of course, we will need to discuss your questions with our client before we can respond. I expect that we will be in position to have a discussion and respond by the middle of next week, at which time we would be happy to join you in a call with the Court.

Thanks,  
Justin

On Jul 1, 2022, at 10:58 AM, Folland, Rob <[Rob.Folland@btlaw.com](mailto:Rob.Folland@btlaw.com)> wrote:

**\*\*External User\*\***

Good morning Justin,

My partner David DeVillers and I just attempted to reach you on the phone concerning the attached case that was filed yesterday. We understand from Victoria Ferrise that you will be taking the lead on this matter for EGCC.

As you are likely aware, the case has been assigned to Judge Marbley and we have filed a motion for a preliminary injunction to be heard and ruled upon prior to July 11. As such, we will need to inquire with Judge Marbley today as to scheduling.

The Motion for PI asks for two things:

1. That EGCC be enjoined from terminating the Collaboration Agreement on July 11 pending determination of the pending breach of contract issues and the contract resolution / termination provisions.
2. That EGCC be enjoined from any actions to start a competing business operation in violation of the Collaboration Agreement pending resolution of the contract issues.

As you may have seen, SRC has submitted declarations to the court asserting certain factual elements relating to the contract terms and EGCC's actions to set up a competing business. For the purposes of planning for the PI hearing and in order to streamline issues for the Court and the parties, SRC would like to know:

1. Does EGCC dispute or wish to present evidence at the PI hearing concerning SRC's belief that EGCC intends to terminate the contract on 7/11/22
2. Does EGCC dispute or wish to present evidence at the PI Hearing concerning SRC's belief that EGCC is starting a competing business to be formed under the Collaboration Agreement that will go into operation on 7/11.

To the extent you believe there is a dispute as to facts on these points, we can advise Judge Marbley and will need to obtain his views as to the presentation of evidence. Otherwise, I think we can substantially simplify the PI hearing as it will only require oral argument

Also note that we have filed our complaint and PI motion under seal as we were unsure as to whether EGCC desires to argue that the Collaboration Agreement must be kept confidential. To the extent EGCC agrees that no confidentiality is warranted, SRC will withdraw its motion to file under seal and make the applicable filings public.

We will be reaching out to Judge Marbley's chambers shortly to advise of the filing of the PI motion so it is important that we hear from you as soon as possible. Obviously, to the extent you wish to participate in any calls with the Court, we will coordinate with you and place a joint call to the Court.

Please contact David DeVillers and myself at your earliest convenience. If we do not hear from you by noon today, we will reach out to Judge Marbley's chambers concerning our motion.

Rob Folland | Partner

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From: Lantz, April <[April.Lantz@btlaw.com](mailto:April.Lantz@btlaw.com)>  
Sent: Thursday, June 30, 2022 3:55 PM  
To: [ylferrise@bmdllc.com](mailto:ylferrise@bmdllc.com)  
Cc: Paragas, David <[David.Paragas@btlaw.com](mailto:David.Paragas@btlaw.com)>; DeVillers, David <[DDeVillers@btlaw.com](mailto:DDeVillers@btlaw.com)>;  
Folland, Rob <[Rob.Folland@btlaw.com](mailto:Rob.Folland@btlaw.com)>  
Subject: Student Resource Center/Eastern Gateway Community College

Attached are copies of pleadings filed today in the United States District Court, Southern District of Ohio Case No. 2:22-cv-02653.

April Lantz | Legal Administrative Assistant  
Barnes & Thornburg LLP  
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Direct: (614) 628-1468  
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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**STUDENT RESOURCE CENTER,**

**Plaintiff,**

**v.**

**EASTERN GATEWAY COMMUNITY  
COLLEGE,**

**Defendant.**

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**Case No. 2:22-cv-2653**

**Chief Judge Algenon L. Marbley**


**Magistrate Judge Chelsey M. Vascura**

**ORDER SETTING LOCAL RULE 65.1 CONFERENCE**

This matter is set for a status conference pursuant to Local Rule 65.1 on **Tuesday, July 5, 2022**, beginning at **9:00 a.m.** Counsel for the parties are to appear in Courtroom 1, Room 331 of the U.S. Courthouse located at 85 Marconi Boulevard in Columbus, Ohio. The status conference may not be continued by stipulation of the parties or counsel, but only by an order of the Court on good cause shown. Plaintiff's counsel must promptly inform the adverse party of the status conference, as set forth in Local Rule 65.1(a).

At the status conference, the Court will address Plaintiff's Motion for a Preliminary Injunction (ECF No. 2) and any issues necessary for a just resolution of the pending action.

**IT IS SO ORDERED.**

  
**ALGENON L. MARBLEY**  
**CHIEF UNITED STATES DISTRICT JUDGE**

**DATED: July 1, 2022**